

REMARKS

Claims 1-9 are at issue. No claims have been allowed.

Claims 1-9 have been rejected under 35 U.S.C. 103(a) as unpatentable over Nishimoto et al., U.S. Patent No. 6,340,640.

Applicants have amended the claims whereby all claims now call for an etching solution consisting essentially of three components; namely, water, concentrated hydrofluoric acid, and concentrated nitric acid.

As distinguished therefrom, Nishimoto et al. discloses an etching solution containing hydrofluoric acid, nitric acid, and phosphoric acid. Nishimoto et al. also discloses that instead of phosphoric acid, carboxylic acid may be used.

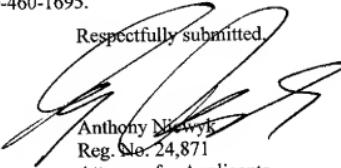
Applicants respectfully submit that Nishimoto et al. would not cause one skilled in the art to arrive at Applicants' claimed invention which calls for one less component than what Nishimoto et al. discloses.

Applicants have stated that the determination of the ranges of the components, as well as the temperature, would be a mere matter of optimization. Applicants respectfully submit that that is not the test for obviousness. Nothing in Nishimoto et al. suggests nor teaches nor would lead one to attempt to use only the components called for in Applicants' amended claims nor the percentages called for by Applicants. The statements by the Examiner about optimization could be applied to the invention of the light bulb by Edison. Edison performed many experiments to optimize the components of that invention and, when asked, stated that invention was 99% perspiration and 1% inspiration. Applicants respectfully submit that the manner of making an invention is irrelevant to patentability and that optimization can indeed be part of the inventive process. Applicants therefore respectfully submit that all claims are in condition for allowance and respectfully request allowance thereof.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Should the Examiner have any further questions or comments, he is respectfully invited to telephone the undersigned at 260-460-1695.

Respectfully submitted,



Anthony Niewyk  
Reg. No. 24,871  
Attorney for Applicants

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BAKER & DANIELS LLP  
111 East Wayne Street, Suite 800  
Fort Wayne, Indiana 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700